

The Role of Digitalization in Consumer Protection in Bulgaria

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Abstract

The article presents the role and importance of digitalization in consumer protection. The following information and communication technologies are considered in this connection: mobile applications, cloud services, virtual helpdesk and online translator. The benefits of their implementation in the operational activities of the institutions working in the field of consumer protection in Bulgaria are explained. The use of new information and communication technologies provides more efficient consumer service. Their further refinement would significantly improve the performance of the institutions in cases of registered breaches of commercial and consumer practice. Also, the main organizations that protect the safety and economic interests of consumers in Bulgaria are examined, as well as, the level of digitalization achieved in their operational activities.

Keywords: consumer protection, consumer rights, digitalization, consumer behaviour, virtual helpdesk, European Consumer Center, Commission for Consumer Protection

JEL Code: M31; M38; doi:10.36997/IJUSV-ESS/2019.8.2.37

Introduction

Digitalization, expressed through the new information and communication technologies, has a broad application in different fields of human life and the activities which accompany it daily. Every day millions of people are consumers of goods and services. This is often a prerequisite of a free information exchange between consumers, between consumers and traders, consumers and institutions, etc. The object of information exchange is usually commented by the purchase-sale parties, as a result of consumer satisfaction or dissatisfaction. Most frequently the dissatisfaction from the acquirement and use of a given commodity or service, motivates their owner to share this information with relatives and friends and/or undertake action for the diminishing of the so called cognitive dissonance. Generally, the role of digitalization in this respect is expressed in its ability to provide fast and easy information exchange between users, traders, institutions. That is why, the development of an information infrastructure in institutions, operating in the sphere of consumer protection, is of great importance for the effective servicing of consumers.

The aim of this elaboration is to examine the effects and benefits of the usage of new information and communication technologies, which assist buyers during the protection of their interests.

For the achievement of the formulated aim several tasks have to be completed:

- 1) To clarify the meaning of digital society and its influence on consumers and their behavior, as well as concertize the benefits from the introduction of the new technologies, assisting consumers for the protection of their rights.
- 2) The institutions operating in field of consumer protection to be scrutinized, and the achieved digitalization level in their operative activity.
- 3) To examine some more significant perspectives in the development for customer protection in Bulgaria and the EU.

A subject of research in the present elaboration are the benefits from the introduction of new information and communication technologies in the institutions' operational activity, acting in field of customer protection. An object of research are the information and communication technologies

as a means for the securing of a more effective customer protection.

1. Consumers and digital society

The development of digitalization and the construction of a global information structure in the last decade, leads to the creation of new business models, as well as of new models of consumer behavior. These processes allow the efficient usage of resources in all aspects; economy of consumer efforts and time during the process of making a decision for a purchase; much bigger personalization of goods and services, which has been unthinkable to this moment.

In a historical context, we can point several innovative waves in commercial science and practice: the first wave “trade 1.0” - self-service, trade chains, standardizing of the commercial service; “trade 2.0” - “everything under one roof”, i.e. the development of hypermarkets; “trade 3.0” - electronic trade and the fourth innovative wave “trade 4.0”. It relates to the “development of multichannel and omnichannel trade, digitalization and robotization of commercial processes, the artificial intelligence” (Dimitrova, 2018). Due to the digitalization and the intensive development of online platforms, consumers obtain direct access to a vast sea of information from different sources, unlimited choice possibilities, higher quality, more competitive prices, more complex services, etc.

It is purposeful to emphasize, that a main principle of the information society is the access to information, as a fundamental human right. Alternatively, information and communication technologies and their improvement, create predispositions for the free exercising of this right (Denchev, 2008).

The access to information is adopted as a main principle of the information society and one of the fundamental consumer rights, defined as early as the 60-ies of the XX century, by the American president John Kennedy¹. On its part, information society has an even stronger influence on consumers and their behavior, since it secures dynamic means to consumers for the finding of information and sharing of knowledge, experience and ideas. In that way, information society turns into a communication and communion, accessible by a broad circle of users. This is of an exclusive importance in the globalization context, the opening of borders and the free movement of people, goods and services. In this sense, the necessity from securing of conditions for the development of a lively and dynamic consumer market will grow more and more, as well as an effective policy for consumer protection within the European Union.

Consumer protection by state bodies emerges regarding breaches in the practice, which are detrimental for consumer rights. These breaches are usually described in an individual or a collective claim by consumers, which is sent to an institution, acting in field of consumer protection. It is also possible signals to be sent about irregularities, without the consumer being directly affected by a given infringement. The communication between parties is accomplished, generally, in two ways: directly, through the entering into personal contact with an official of the institution, or indirectly, by using a communication means such as telephone or e-mail. In the era of communication, each institution has to maintain an electronic page in internet and have a mobile application, which to secure a fast and easy access to the information, published in the internet site.

Mobile applications are designated for devices, operating with the two leading operation systems Android and iOS, as well as Windows. These applications visualize the information on smart-phones and tablets in a more legible and stylish appearance, which secures a more comfortable access and a faster review of the site. Consequently, mobile applications ease the work with any site, with which they are especially useful for their users. These applications are as whole more interactive than desktop applications and make the interaction between smartphones (tablets) and users more attractive. Another advantage of mobile applications is the higher productivity and stability at operations with any internet site. For the aims of institutions, operating in field of customer protection, mobile applications can secure the following radius of action:

- presenting a broad range of information;
- a possibility of fast presentation of signals, in the event of infringed consumer rights;

- a fast connection to other internet pages, secondary pages, etc. to the basic electronic page.

All of this helps consumers in the defense of their interests, above all as it economizes time and expenses for the handing in of infringement signals.

The development of digitalization determines the more and more frequent usage of electronic services by the users, and on their side administrations archive electronically documents more often. The institutions keep this information at a local server, which could comparatively fast exhaust its potential. *Cloud services*, as one of the new information and communication technologies are suitable in this respect. Their use will improve the operation of institutions, concerning consumer protection in the following directions:

- a more efficient management of services, rendered to companies, mostly on the side of the Commission for Consumer Protection (CCP);
- the access to and security of information;
- the volume for keeping of documentation and data.

The mentioned directions find a more concrete expression in the freeing of space in the local hard disks of information systems in the different institutions. The introduction of cloud services will have effects on consumers' interaction with the institutions. The possibility for consumers to upload and present a bigger volume of information (complaints, signals, pictures, video content, etc.) is considerably extended, in comparison with a local server for this purpose.

Digitalization enables the application of two main types of clouds, technologically defined: "Private clouds" and "Public clouds". The private clouds are accessible for a limited circle of users only and serve for internal (or intraorganizational) work processes. Public clouds are generally accessible and through them an information exchange can be performed by any user. The specifics of work processes in institutions (for example the Commission for Consumer Protection) supposes the use of a system of hybrid cloud services (Hybrid Cloud). This system will secure and facilitate the operations and data exchange for an open circle of users (traders and end consumers), and on the other hand for a limited number of users (employees, members of reconciliation commissions).

Summarized, the use of cloud services creates conditions, as a whole, for more efficient work at the institutions and helps consumers with the protection of their interests.

Another digital innovation, which could help users at the protection of their interests, is the introduction of a *virtual helpdesk* to the institution's internet site. One of the most considerable benefits from the introduction of a virtual helpdesk is the provision of an online connection between consumers and institutions, which makes the communication between the parties faster. In other words, the virtual helpdesk spares consumer time for the filing of complaints and signals, as it replaces the usage of telephone and e-mail. Consequently, it could be expected, that the virtual helpdesk could improve the traceability of the signals.

A substantial benefit from the introduction of a virtual helpdesk in the institutional operative work, is its potential to contain rich and structured as of the economy branch information, which is designated for representatives of business. The main purposes of this rich information is: to concertize the rights and obligations of all participants in the system "consumer-trader"; to rationalize the access to forms and documents, necessary for their operating activity; to present prepared examples for the filling in of some documents, according to the Law of consumer protection, the Law on nutrition and other normative acts.

A significant effect from the introduction of the virtual helpdesk is the opportunity for a cost decrease in institutions and the relieving of traditional communication channels as telephone and e-mail. This is attainable, due to the fact, that the virtual helpdesk will have a direct connection to the institutions, operating in field of consumer protection. These are above all Consumer protection commission, the National council for consumer protection, the European system for fast information exchange for dangerous non-nutritional goods at the EU (RAPEX) and other national authorities (Customs agency, Ministry of Health, Ministry of the environment and water, the National Police service at the Ministry of internal affairs).

The virtual helpdesk offers a new functionality - a “hot line” telephone, for the necessities of the small and medium-size enterprises in field of consumer protection. The Commission for Consumer Protection presently uses a hot line, but only for the needs of customers (private persons). It has been established, in the practice of the CCP, that this telephone line is used by small business representatives, when they need specialized assistance and directing to a reconciliation commission.

Another innovation, which could be exceptionally useful for consumers at their interests defense, is the *online translator*. It constitutes a technology for multi-language translation and thus gives an opportunity for real-time written communication, to overcome language barriers between foreign consumers and the institutions in different countries. Besides the benefit of filing infringement signals in the country’s language, by the use of an online translator, consumers establish a contact with the officials faster as well. In this sense, the online translator spares time and expenses to consumers, for the translation of complaints and other documents in a foreign language. Some other benefits from the introduction of an online translator in the institutions’ operative activity, acting in field of consumer protection, are the speed of submission and exchange of information between consumers and institutions, as well as the lack of limitations to the sending of information from the viewpoint of its volume.

Summarizing, we could point the following main benefits from the use of new information and communication technologies in the operative work of institutions, responsible for consumer protection:

- facilitated and uninterrupted access of consumers and small and medium-size businesses to information;
- increase of the speed for information transfer;
- rapidity in the communication between consumers and institutions;
- sending of a bigger volume of information;
- economy of time and expenses for filing of complaints and infringement signals;
- a higher degree of interactivity;
- more reliable keeping of electronic documents;
- improvement of the traceability of signals;
- a more efficient service management, offered to consumers and small and medium-sized business;
- the overcoming of language barriers, etc.

2. Institutions, connected with consumer protection in Bulgaria

In Bulgaria, customer protection, the rights of state bodies and the activity of consumers’ associations are regulated by the Consumer protection act. The purpose of this act is to provide protection of the following main consumer rights¹:

- the right to information about goods and services;
- the right to protection against risks by the acquirement of goods and services, which could endanger the life, health or their property;
- the right to protection of their economic interests at the acquirement of goods and services at unloyal trade practices and ways of sale, unequal contract conditions and the provision of guarantees for the goods;
- the right of compensation for damages, caused by merchandise defects;
- the right to access to court and out-of-court procedures for resolving of consumer disputes;
- the right to education on issues, relating to their protection;
- the right to association with the purpose of their interests protection;
- the right to representation in front of the state institutions, making decisions on issues, which

¹ Consumer protection act, Promulgated in DV (State gazette), issue 99 form 9 Decmeber 2005, art. 1, par. (2).

concern them.

The role of institutions in field of consumers' interests protection consists of the following main achievements:

- Research and introduction of good practices regarding consumer protection and the implementation of its mechanisms by enterprises;
- Cooperation with the resolving of disputes between consumers and traders in connection with the guarantee responsibility, the right to reclamation of goods and services and unequal clauses in contracts, trade practices and agreements, concluded by consumers. In a number of cases the institutions assist the voluntary settlement of disputes between consumers and traders by the concluding of an agreement between the contractual parties;
- Decrease of the number of court disputes, connected with consumer issues;
- Prevention in aid of traders to comply with the legislative requirements in favor of consumer protection;
- Training of company representatives about the new legislative points, related to consumer protection, etc.

The Commission for Consumer Protection (CCP) is the principal institution for the protection of the safety and economic interests of consumers in Bulgaria. The work of the commission consists of the following more important activities²:

First. It exercises control over the unloyal trade practices and ways of sale;

Second. It lodges claims for the cancellation or prohibition of actions or trade practices, which are in breach of the collective consumer interests;

Third. It realizes control for safety of the goods and services in compliance with the normative acts requirements;

Fourth. It prepares directives and recommendations in connection with unequal clauses in contracts with general conditions and contracts used in definite branches or activity sectors;

Fifth. It performs control over electronic trade;

Sixth. It performs control over the offer and granting of consumer credits;

Seventh. It accepts and reviews consumer complaints;

Eighth. It maintains a registry of dangerous goods, found at the Bulgarian and European market, etc.

The CCP offers a broad range of digitalized services, accessible at the electronic page, which consist of the following: an available mobile application; direct access to documents forms, designated for consumers and the medium and small size enterprises; link to other internet pages, such as for example laws, directives, regulations, ordinances, etc., under which the CCP has control functions; electronic form for filing of complaints and signals and their real time tracking; connection to other institutions, such as: regional courts Sofia, Plovdiv, Varna, Bourgas, the European consumer center, the Ministry of economy, etc. In addition to the mentioned digitalized services, offered by the CCP, there is an option at the internet site of the commission for users with impaired vision. This gives people with specific needs the opportunity to be able to exercise their consumer rights to a full extent.

*The European Consumer Center*³ (ECC) is a network of consumer centers in the European Union, Island and Norway. The aim of the network is to provide free, individual help to consumers, who have a problem with purchases abroad, in the EU, Island and Norway. The centers work jointly, so that customers can receive assistance and counseling in their own state with problems abroad. ECC activity encompasses a multitude of fields of cooperation. Firstly, regarding the individual consumer compensation: it provides information and advice to consumers on trans-border issues; provides cooperation for out-of-court resolving of consumer complaints; promotes

² Official internet site of the Commission for Consumer Protection: <https://kzp.bg> (accessible 03.10.2019 г.)

³ Official site of the European Consumer Center: <https://www.ecc.bg> (accessible 03.10.2019 г.)

the alternative disputes resolving; accomplishes cooperation with traders and their federations; provides assistance with trans-border court procedures. Second, in relation to the consumer collective interests: realizes cooperation with control and regulatory bodies; applies monitoring and aiding of the good functioning of the internal market; realizes a feedback with the interested parties from the EU and Bulgaria; conducts information campaigns; accomplishes joint projects and reports.

The European consumer center Bulgaria is created at the Commission for Consumer Protection in 2008, and it reviews the following complaints: complaints of consumers, who live in Bulgaria and have acquired goods or have used services in another EU member state, Norway and Island; complaints of consumers who live in another EU member-state, Norway or Island and have bought goods or have used services in Bulgaria.

The Bulgarian agency for food safety (BAFS)⁴ is a unified institution for control of the food safety and quality in the Republic of Bulgaria, established in 2011. The BAFS accomplishes control in the sphere of safety and quality of foods, nutrition supplements and beverages, health protection and humane attitude towards animals, plant protection and fertilizers, phytosanitary control, fodder, border control, etc. The BAFS develops and creates standards, which aim the increase of the quality of nutritional products such as bread and bread products, milk, dairy and meat products, as well as other traditionally Bulgarian foods. BAFS is in a constant cooperation with the European institution for food safety, with all structures of the European union, having an attitude to the agency's activity and with the food safety organs in the member states of the EU and third countries.

This agency has an electronic page, as well as a developed application for mobile devices. This creates convenience during the search of information, published at the internet site of the BAFS on the users' part and the representatives of medium and small-size business. The agency offers electronic services as well, which are directed mainly to the medium and small size enterprises. These services are rendered through a web application with the following possibilities: application for an administrative service by electronic means (issuing of a certificate for trade with plant protection products, registration of objects for food production and trade, etc.); check up of the status of the requested service, independently if it has been requested in an electronic manner or at a desk.

The State Agency for Metrologic and Technical Supervision (SAMTS) is a state supervision body, conducting national policy in the following spheres⁵:

- supervision of products which have been let at the market and/or in operation, encompassed by the directives range;
- supervision of construction products which have been let at the market; products, connected with energy consumption, regarding the requirements for ecologic project development; electric and electronic equipment in connection with the the usage limitations of definite dangerous substances and the wastes form it;
- technical supervision of machinery with increased danger;
- liquid fuel quality control;
- metrologic supervision;
- authorizing and supervision of bodies, performing assessment of the compliance of products, falling into the directives range.
- supervision of dam walls and the equipment attached to them.

The SAMTS activity is regulated by the following 10 laws: The law on technical requirements of products (LTRP); Consumer protection act (CPA); The atmosphere air cleanness act (AACA); Measurements act (MA); The automobile transportation act (ATA); Wastes management

⁴ Official site of the Bulgarian agency for food safety: <http://www.babh.government.bg/> (accessible 03.10.2019 r.)

⁵ Official site of the State agency for metrologic and technical supervision: <https://www.damtn.government.bg/> (accessible 03.10.2019 r.)

act (WMA); the Law on renewable energy sources (LRES); Law on tourism (LT); The protection of the harmful influence of chemical substances and compounds act (PHICSCA); The water act (WA).

It is important to emphasize, that in the sphere of consumer protection, the SAMTS activity is connected more specifically with the safety of children's toys, construction materials, electric appliances, machines, gas appliances, personal protection means, utensils under pressure, refrigerating appliances and hot water boilers. These are exclusively risky consumer products, in view of people's life and health. For this reason, the indicated products are an important supervision object, within the range of institutions, which are responsible for consumer protection, more specifically of SAMTS.

From a digitalization viewpoint, the SAMTS has an electronic page, to which a mobile application has been developed. The agency offers different electronic services, accessible at the internet site, which consist in the following: direct access to documents forms, designated for the small and medium size enterprises; links to other pages, as for example EU directives, laws, ordinances, etc.; electronic applications form, etc.

*The European Rapid Alert System - Non-Food Consumer Products (RAPEX)*⁶ is a comparatively new system within the EU framework (since year 2007). Each EU member state has a contact point at the RAPEX. For Bulgaria this is the Commission for Consumer Protection. RAPEX activity is completely digitalized. The system generates signals about discovered dangerous consumer products at the market. For example regarding children's clothes, which have ties and cords, creating a suffocation risk, if they are around the neck or hang on something else during playing. The bodies, responsible for the consumer protection, have to require the removal of the dangerous product from the market, and notify the European commission through RAPEX. The final aim is to limit or remove the dangerous product from the consumer market.

The National Council for Consumer Protection has as a purpose the joint discussion of positions and the acceptance of opinions between representatives of the collective consumer interests and those of the administration for consumer protection. The National council for consumer protection⁷:

- consults the minister of economy about the conduction of efficient consumer policy;
- prepares programs for the conduction of consumer policy;
- makes suggestions through the minister of economy for amendments and supplements in the legislative regulation of consumer protection;
- makes suggestions to the respective state institutions in connection with the effective application of legislation connected with consumer protection;
- expresses opinions about projects of normative acts, connected with consumers' rights;
- stimulates the conclusion of agreements between consumer associations and traders' associations;
- discusses other issues, connected with consumer protection.

The essence of the National council's for consumer protection work does not suppose digitalization of its activity.

Other institutions, which have an attitude to consumer protection are: the "Customs" agency, which is in charge of imported goods; the Ministry of health (cosmetic products, household products and chemical products); The ministry of environment and water; National "Police" service at the Ministry of the internal affairs (fire weapons - pistols, rifles, including hunting ones, ammunition for fire weapons, fireworks, signal rockets, party explosives). The mentioned institutions, unlike the CCP, BAFS and SAMTS, though not having customer protection as a main activity, participate and play a role for the modeling of the consumer protection policy in Bulgaria,

⁶ https://ec.europa.eu/consumers/consumers_safety/safety_products/rapex/alerts

⁷ Rules for the operation of the national council for consumer protection, promulgated in DV (State gazette). issue13 from 10 February 2006, art. 2.

as an EU member-state.

3. Forthcoming changes in the policy of consumer protection in Bulgaria and the EU

Digitalization will continue to exercise an enormous influence on society, including on consumers, in the forthcoming decades. The improvement of the traditional models of trade, as well as the emerging of new business models, combined with the increasing contractual power of consumers, can assist the development of policies in the sphere of consumer rights protection (Dimitrova, 2018).

It has to be noted, that digitalization will be a too complicated, versatile and exclusively dynamic process. The concrete changes, consequences and effects of this process, as well as the degree of readiness of society for these changes, are very difficult to be foreseen and assessed by people. The complex process of introduction of new information and communication technologies will reflect on the policy for consumer protection in Bulgaria, as well as the whole European Union.

Changes in the sphere of the digital market are imminent, which will lead to the adoption of new rules in favor of European consumers. For example new rights for the contracts for the provision of *digital content and digital services*. It is prospectively awaited, that different platforms for the provision of cinema, sports broadcasting, educational programs, online music, etc. will be able to be used freely during traveling in the EU, under the same conditions, as in the national country. This is possible on grounds of already concluded national subscriptions by consumers, for these apps or digital services to be used without additional fees within the member states of the EU. The new rules will give consumers and suppliers, who buy and sell abroad, greater security. More concrete and more exact will be the guarantees in the rights of European consumers, during the use of a definite digital content. Simultaneously, the new rules will be a prerequisite for the creation of new opportunities for business activity for EU companies, through the stimulation of innovations and competition.

One of the most considerable favorable changes in the interests of customers is the cancellation of *roaming fees*. This creates an opportunity for the effects of digitalization to be used more completely. It is a fact, that after the adoption of the new regulations, the number of consumers has increased, who use *mobile data in roaming* within the EU boundaries.

Another important, long awaited change in favor of consumers is the cancellation of *geoblocking*. The prohibition of geoblocking is an important element in the strategy of the unified digital market. Presently, 15% from European consumers buy products from online shops, based in another EU country. The reasons for that are of different nature. Among the main reasons are, above all, the difficulties in trans-border electronic trade, or the practice of geoblocking. (Grozdeva, 2013). The regulation regarding geoblocking will cancel these limitations and will free electronic trade in favor of consumers as well as enterprises. Discrimination of customers and companies will be prevented by this regulation, from the viewpoint of the access to prices and sales conditions or payment, at the purchase of products and services in another EU state ⁸.

European consumers are influenced by the new regulations too, for reinforced *personal data protection*. This has a direct attitude to the protection of consumer interests. Personal data protection considerably limits the possibilities for abuses in the trade practice. When personal data are accessible, it is possible that a purchase is performed by one person at another person's costs without his/her knowledge and consent. It is also possible, that traders misuse consumers' personal

⁸ Official web site of the EU Council and the European Council <<https://www.consilium.europa.eu/bg/policies/geoblocking/>> (accessible 07.10.2019 r.)

data of people who are their customers. The control in this field of consumer protection envisages, that institutions have reinforced rights over traders which have been caught performing infringements.⁹

Collective consumer claims are another important part from the customer protection policy, which deserves attention in the future. A problem in this field constitutes the different way in which national mechanisms are developed for consumer group protection in the separate states. In this respect the Commission for Consumer Protection functions successfully, since discontinuations of infringements have been registered, removal of unequal conditions in consumer contracts and limiting of disloyal trade practices. An omission in the common European collective claims system, including in Bulgaria, is the lack of legislation, which to secure an opportunity for consumers to demand an indemnity. The lack of instruments for receiving a compensation is to the detriment of enterprises, which observe conditions, rules, contracts, etc., because they put them into unequal market conditions. Thus, the introduction of a functioning collective protection for inflicting damages to EU consumers, is beneficial for the consumers themselves, as well as for the small and medium sized business.¹⁰

To summarize, we could say, that the main rights of consumers in the European Union, namely the right to protection against risks from the acquiring of dangerous goods; the right to protection of their economic interests; the right to be informed; the right of being heard and the right of association, are secured by a lot of laws and are serviced by separate institutions. A strong point in the development of consumer protection is its synchronizing with the priorities of the European commission and as a whole - with the priorities of EU development. This is a big challenge for the whole European Union, more specifically for the Union's trade policy and the European policy for customer protection, taking into account the differences between member states.

Conclusion

In conclusion, it has to be noted, that the present elaboration does not exhaust all digitalization possibilities, which could help consumers for the protection of their rights. As it was pointed out above, digitalization will be a too complicated, multipartite and extremely dynamic process, which suggests its continuous research. Consequently, the interaction between digitalization and the policy for consumer protection in the EU is exceptionally dynamic. That is why, the introduction of new information and communication technologies in the activity of institutions, operating in field of consumer protection, is exceptionally important. The expected results from this continuous process are mainly in two directions: firstly - improvement of the quality of servicing the consumers as a whole, and secondly - increase of the efficiency of the operative work of institutions in Bulgaria and the EU.

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⁹ https://ec.europa.eu/commission/priorities/justice-and-fundamental-rights/data-protection/2018-reform-eu-data-protection-rules_bg?pk_source=google_ads&pk_medium=paid&pk_campaign=gdpr2019 (accessible 08.10.2019 r.)

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